THE HON'BLE SRI JUSTICE L. NARASIMHA REDDY

WRIT PETITION No. 19069 OF 2005

DATED: 30.08.2005

Between:

D. Narayana Rao

... PETITIONER

AND

The Regional Manager, APSRTC,

Cuddapah Region, Cuddapah District

& 2 others.

... RESPONDENTS

ORAL ORDER:

The petitioner was appointed as a cleaner in APSRTC in the year 1973, and thereafter, he was removed from service. Challenging the order of removal, he filed I.D.No.107 of 1995 before the Labour Court, Ananthapur. Through its award, dated 27.03.1998, the Labour Court directed reinstatement of the petitioner, with continuity of service, but without back wages.

The grievance of the petitioner is that the benefit of continuity of service is not extended to him, and his scale of pay does not reflect the benefit extended to him by the Labour Court. He seeks appropriate directions of this Court.

Learned Standing Counsel for the respondents 1 and 2, on the other hand, submits that once an employee is guilty of misconduct and remained absent from duty for a long time, he is not entitled to claim the benefit of notional increments, for the period, during which he was out of service. He placed reliance on the judgment of the Supreme Court in ***ANDHRA PRADESH STATE ROAD TRANSPORT CORPORATION & OTHERS v. ABDUL KAREEM.***

The short question in this writ petition is about the entitlement of the petitioner to be extended, to the benefit of notional increments, from the date of removal till the date of reinstatement. There used to be difference of opinion in the various pronouncements of the Courts, as to the interpretation of the “notional benefits”, extendible to employees, who are reinstated into service after the orders of the removal are set aside.

Through its judgment, dated 02.08.2005, the Supreme Court interpreted the expression “continuity of service” and the entitlement of the persons similarly situated as the petitioners, for notional increments. It was held that no employee, who is reinstated into service, pursuant to the order of the Labour Court, would be entitled for any benefit, for the period, during which he was out of service.

Following the same, the writ petition is dismissed. There is no order as to costs.

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30.08.2005

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